



**US Army Corps
of Engineers**

Omaha District

Public Notice

Application No: 2002-90-114
Project Name: Little Muddy Creek Marsh
Applicant: Robert and Colleen Durocher
Agent: Ducks Unlimited, Inc.
Waterway: Little Muddy Creek
Issue Date: May 24, 2002
Expiration Date: June 24, 2002

REPLY TO:

**Helena Regulatory Office
U.S. Army Corps of Engineers
10 West 15th Street, Suite 2200
Helena, Montana 59626**

30 DAY NOTICE

**JOINT PUBLIC NOTICE
FOR PERMIT APPLICATION SUBMITTED TO
U.S. ARMY CORPS OF ENGINEERS
AND
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY**

The application of Robert and Colleen Durocher, in cooperation with Ducks Unlimited, Inc., for approval of plans and issuance of a permit under authority of the Secretary of the Army is being considered by the District Engineer, U.S. Army Corps of Engineers (Corps), Omaha, Nebraska. **The project described herein is not being proposed by the Corps, but by the applicant and their agent; the Corps will evaluate the proposed work to determine if it is permissible under current laws and regulations.**

Description of Proposed Project: The applicant requests permission to place fill in Waters of the U.S. in conjunction with the planned construction of an off-channel wetland project. Specifically, the applicant proposed to place a diversion dam across Little Muddy Creek that would allow the diversion of streamflow into an impoundment created by an earthen dike. Little Muddy Creek has a drainage area of 171.5 square miles above the diversion point. It is an intermittent stream and a direct tributary of the Missouri River. The diversion dam would extend across the entire channel, with the central 30 feet of the dam elevated three feet above the existing channel bottom and the ends of the dam rising up to meet the adjacent stream banks. Rock riprap would extend 3 feet upstream and 14 feet downstream from an impervious core of steel sheet piling. A drawing of the planned diversion dam is attached to this notice. The dam will use 82 cubic yards of rock riprap and have a total width (across the channel) of 88 feet, covering 1200 square feet, of which 288 square feet is wetland. Water would be impounded in the channel of Muddy Creek for a distance of 2,700 feet upstream. An inlet channel approximately 400 feet long will be excavated from the point of diversion to an inlet water control structure with a headgate, at which point water will flow through another excavated channel to the off-channel impoundment. At the full pool elevation, the off-channel impoundment would have a surface area of approximately 216 acres, a depth of five feet, and a maximum water storage volume of 387 acre-feet.

Location: The proposed diversion dam is in Section 30 of Township 19 North, Range 1 East, Cascade County, Montana. The inlet channel and wetland impoundment are in Sections 31 and 32 of Township 19 North Range 1 East, in Cascade County, Montana. The site is located approximately 1 mile west of

Interstate 15 and approximately 2 miles west of the Missouri River, and south of Great Falls between the communities of Cascade and Ulm, Montana. A map showing the location of the project is attached.

Purpose: The purpose of the project, as stated by the applicant, is to create wetland habitat for migratory birds and to serve as a wetland mitigation bank for the Montana Department of Transportation.

Background: The lone project feature that requires a Department of Army permit is the previously described diversion dam. Other project features necessary for project success but beyond Department of Army jurisdiction include the inlet channel, the inlet water control structure, and an 11,500 foot long berm for the wetland impoundment. A maximum of 35 cfs could be diverted during spring flows. After the marsh is full, all streamflow will continue downstream. No diversion is allowed after June 1st of each year. A water right for the project (permit number G41QJ Y111525-00 WW) has been issued by the Montana Department of Natural Resources and Conservation. That water right permit states that when Little Muddy Creek is flowing, a minimum of 1 cubic foot per second (cfs) must remain in the channel below the diversion point. Further, the water right permit states that no diversion is allowed when the combined flow of the Missouri River near Ulm (USGS Gage 06078200) and the Sun River near Vaughn (USGS Gage 06089000) totals less than 7,880 cfs. For example, flows at those sites on May 16, 2002 included 3,610 cfs in the Missouri River and 178 cfs in the Sun River, for a combined flow of 3,788 cfs. Because this was less than 7,880 cfs, no diversion would have been allowed on that date.

401 Water Quality Certification: The Montana Department of Environmental Quality, 1520 East 6th Avenue, PO Box 200901, Helena, Montana 59620-0901, will review the proposed project with the intent to certify in accordance with the provisions of Section 401 of the Clean Water Act. The certification, if issued, will express the State's opinion that the operations undertaken by the applicant will not result in a violation of applicable water quality standards. The Montana Department of Environmental Quality hereby incorporates this public notice as its own public notice and procedures by reference thereto.

Cultural Resources: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, as amended. We have checked the National Register of Historic Places and its current supplements, and there are no known National Register sites in the vicinity; however, we will evaluate input by the State Historic Preservation Office and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

Threatened / Endangered Species: This project is in the known range of the Federally-listed threatened **bald eagle**, (*Haliaeetus leucocephalus*). In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service (USFWS) and other interested agencies and individuals. Coordination with the USFWS will be completed to determine any effects on the threatened bald eagle or its critical habitat. There are no other listed species present in the area.

Evaluation Factors: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both the protection and the utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of

work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Federal Clean Water Act (40 CFR; Part 230).

Comments: The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity. All public notice comments will be considered public information and will be subject to review by the applicant.

Any person may request, in writing and within the comment period specified in this notice, that a public hearing be held for the purpose of gathering additional information. Requests for public hearings must be identified as such and shall state specifically the reasons for holding a public hearing and what additional information would be obtained. The request must be submitted to the U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. If it is decided that additional information is required and that a public hearing should be held, interested parties will be notified of the date, time and location.

Any interested party (particularly officials of any town, city, county, state, or Federal agency; Indian tribe; or local association or group whose interests may be affected by the work) is invited to submit to this office written facts, arguments, or objections on or before the expiration date listed on the front of this notice. Any agency, group, or individual having an objection to the work should specifically identify it as an objection with clear and specific reasons. Comments, both favorable and unfavorable, will be accepted and made part of the record, and will receive full consideration in subsequent actions on this application. All replies to the public notice should be addressed to the **U.S. Army Corps of Engineers, 10 West 15th Street, Suite 2200, Helena, Montana 59626. Please reference the Application Number found on the first page of this notice (2002-90-114) in any correspondence.** Todd Tillinger of the Helena Regulatory Office, telephone number (406) 441-1375, may be contacted for additional information. You may also fax your comments to (406) 441-1380.

Comments postmarked after the expiration date of this notice or received by Fax after the expiration date of this Public Notice will not be considered.

Statutory Authorities: A permit, if issued, will be under the provisions of Section 404 of the Federal Clean Water Act.

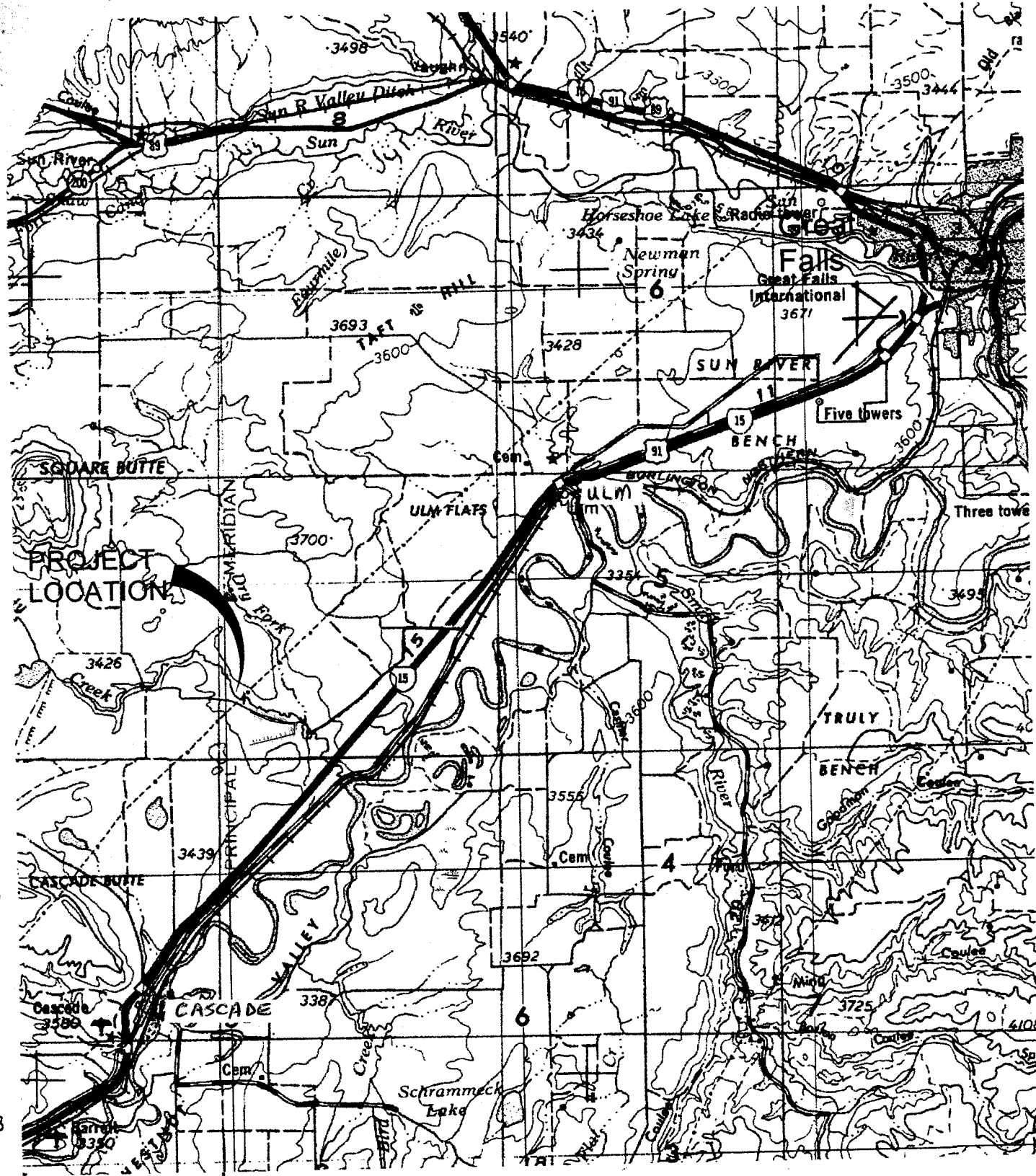
T 20 N

T 19 N

T 18 N

T 18 N

R1W
R1E



VICINITY MAP

2002-90-114



**DUCKS
UNLIMITED
INC.**

GREAT PLAINS REGIONAL OFFICE

LITTLE MUDDY WETLAND
SECTIONS 30, 31, 32, T19N, R1E
CASCADE COUNTY, MONTANA

